

## Message Text

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ACTION HEW-08

INFO OCT-01 EUR-25 ADP-00 SCI-06 NSF-04 L-03 SS-14 NSC-10

CU-04 H-02 PRS-01 PA-03 USIA-12 CIAE-00 INR-09

NSAE-00 RSC-01 RSR-01 ABF-01 /105 W

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P 091200 Z MAR 73

FM AMEMBASSY WARSAW

TO SECSTATE WASHDC PRIORITY 2933

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E. O. 11652: N/ A

TAGS: OSCI TBIO PL

SUBJECT: DHEW/ POLISH HEALTH MINISTRY AGREEMENT

REF: WARSAW 1026

1. POLISH MINISTRY OF HEALTH HAS GIVEN US ORALLY ITS OFFICIALLY SUGGESTED CHANGES FOR TEXT OF PROPOSED MINISTRY / DHEW AGREEMENT.

2. AMEND LAST SENTENCE OF ARTICLE I, PARA 1 TO READ:  
" WHILE INCLUDING ACTIVITIES FUNDED UNDER"... THIS MEMORANDUM ALSO CALLS FOR OTHER MECHANISMS OF COLLABORATION WHICH MAY BE NOT ENTIRELY LIMITED TO DEPENDENCE UPON SUCH FUNDING." EMBASSY RECOMMENDS ACCEPTANCE.

3. AMEND LAST SENTENCE OF ARTICLE I, PARA 2. NEW VERSION READS AS FOLLOWS: " IT IS THEREFORE CONSIDERED THAT CONTINUED RESEARCH ACTIVITIES FUNDED IN THE PEOPLE' S REPUBLIC OF POLAND UNDER U. S. PUBLIC LAW 83-480, SECTION 104 K), AS AMENDED, ARE THE MAIN AREAS OF COLLABORATION IN THE HEALTH SCIENCES BETWEEN THE CONTRACTING PARTIES." AFTER SOME DISCUSSION, MINISTRY OFFICIALS INDICATED THEY WOULD LIKE TO SEE THIS CHANGE ADOPTED, BUT COULD ACCEPT AGREEMENT  
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WITHOUT IT IF U. S. SIDE HAD ANY DIFFICULTIES WITH THIS FORMULATION. RECOMMEND EMBASSY BE INSTRUCTED

TO INFORM MINISTRY THAT U. S. SIDE RELUCTANT TO SEEK APPROVAL FOR THIS LANGUAGE, WHICH CHANGES THRUST OF AGREEMENT SOMEWHAT, IN SHORT TIME REMAINING, AND WOULD THEREFORE PREFER THAT IT BE DROPPED.

4. ARTICLE III, PARA 3: CHANGE SECOND SENTENCE TO READ: " WITHIN THE MINISTRY, THE DEPARTMENT FOR INTERNATIONAL RELATIONS OF THE MINISTRY IS DESIGNATED AND WILL ACT IN LIKE FASHION." THIS CHANGE CLEARLY MOTIVATED BY PROTOCOLARY CONSIDERATIONS AND WOULD CAUSE SOME MISUNDERSTANDING IF NOT ACCEPTED. RECOMMEND ACCEPTANCE SUBJECT TO INCLUSION OF ADDITIONAL MODIFICATION, " ... FASHION, AND THE COORDINATING COMMISSION OF THE SCIENTIFIC COUNCIL OF THE MINISTRY SHALL CONTINUE TO ADMINISTER THESE SCIENTIFIC COOPERATIVE PROGRAMS AS IN THE PAST." LATTER LANGUAGE SUGGESTED BY SCIATT AFTER LONG DISCUSSION OF PROATICAL ADMINISTRATIVE MODIALITIES IN A " WHY CHANGE HORSES IN MIDSTREAM" VEIN, AND IS ACCEPTABLE TO MINISTRY. SCIATT NOT CLEAR AS TO OTHER REASONS UNDERLYING THIS CHANGE BUT SUSPECTS POSSIBILITY THIS MIGHT BE INITIAL MINISTRY MOVE TO GET A BETTER HOLD ON THE PROGRAM, WHICH UP TO NOW HAS BEEN RUN ALMOST COMPLETELY INDEPENDENTLY BY THE COMMISSION.

5. IN THIS CONTEXT, OTHER CHANGES PROVISIONALLY DISCUSSED AND WITHDRAWN WOULD HAVE GIVEN MINISTRY ( RATHER THAN COMMISSION COMPLETE CONTROL OVER ADMINISTRATION OF ANY PROGRAM NOT FULLY FUNDED BY PL-480. WE WOULD STRONGLY OPPOSE THIS ON PRACTICAL GROUNDS. JELJASZEWICZ, WHO WAS IN MEETING, REMAINED PUZZLINGLY SILENT ON THESE POINTS. SEE SEPTTEL.

6. SIMILAR CHANGE TO ARTICLE III PARA 4 WOULD HAVE MADE POLISH SCIENCE ATTACHE IN WASHINGTON EQUALLY RESPONSIBLE FOR ROUTINE ADMINISTRATIVE CHORES. WHILE THIS MIGHT NOT BE A BAD THING, IMPLEMENTATION WOULD PROBABLY CAUSE CONFUSION AND ADDED DELAYS IN PROGRAM SUPPORT ACTIVITIES, SINCE MOST OF THE PROJECT SERVICE FUNCTION HAS TO BE DONE IN WARSAW. HENCE, SCIATT LIMITED OFFICIAL USE

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PROPOSED ALTERNATIVE LANGUAGE WHICH WOULD ELIMINATE PROTOCOLARY CONSIDERATIONS: PARAGRAPH 4 SHOULD BE AMENDED TO READ "... AS ITS REPRESENTATIVE FOR DAY- TO- DAY PROGRAM ADMINISTRATION." RECOMMEND ACCEPTANCE.

7. ARTICLE III, PARA 5, CHANGE PROPOSED AS ADVISED IN REFTTEL: "... INTERNATIONAL TRAVEL COSTS SHALL BE BORNE BY THE SENDING PARTY AND " IN- COUNTRY" EXPENSES,

INCULCING TRAVEL, LODGING AND AN APPROPRIATE PER DIEM WILL BE FORN BY THE RECEIVING PARTY." RECOMMEND APPROVAL.

8. POLES FURTHER PROPOSED MODIFICATION OF ARTICLE III PARA 5 TO READ: 5. THE COLLABORATIVE SCIENTIFIC ACTIVITIES OTHER THAN THOSE FUNDED UNDER PL-480 WILL BE..." ETC. RECOMMEND ACCEPTANCE.

9. FINALLY, POLES PROPOSED INCLUSION IN ARTICLE III PARA 6 OF THE WORDS " AND POLISH", AS FOLLOWS: "... SUCH PROJECTS SHALL BE CONDUCTED AND ADMINISTERED IN ACCORDANCE WITH APPLICABLE U. S. AND POLISH LAWS AND REGULATIONS." ALTHOUGH INDICATING THAT WE WOULD, OF COURSE, REPORT THE REQUESTED CHANGE, SCIATT STRESSED DILEMMA WE WOULD FACE IN CASE OF CONFLICT OF REGULATIONS SINCE THE REQUIREMENT THAT U. S. APPROPRIATE FUNDS MAY ONLY BE DISBURSED IN ACCORDANCE WITH PROVISIONS OF U. S. LAW AND REGULATIONS IS, IN GENERAL, ABSOLUTE. DRAWING ON HISTORY OF "30 PER CENT" ISSUE TO UNDERLINE THAT WE HAVE LITTLE FLEXIBILITY IN THIS RESPECT, SCIATT INDICATED PERSONAL DOUBT THAT HEW OR OTHER AGENCIES COULD ACCEPT THIS FORMULATION. MINISTRY OFFICIALS AGREED TO WITHDRAW THIS SUGGESTED CHANGE IN FAVOR OF ORAL UNDERSTANDING THAT ANY SERIOUS CONFLICT OF REGULATORY REQUIREMENTS WOULD BE SUBJECT OF INFORMAL NEGOTIATION-- AS OF COURSE IT WOULD.

10. FOR RECORD, MINISTRY ALSO INITIALLY PROPOSED SWAPPING FIRST PARAGRAPH OF ARTICLE I FOR SECOND PARAGRAPH, SINCE THEY FELT PRESENT ARRANGEMENT LAYS TOO MUCH STRESS ON NON- PL-480 FUNDING. AFTER LENGTHY ATTEMPT TO WORK OUT ON- THE- SPOT LANGUAGE CHANGES WHICH WOULD ALLOW THIS, POLES ADMITTED SYNTACTIC LIMITED OFFICIAL USE

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DIFFICULTY OF THIS CHANGE AND WITHDREW SUGGESTION IN FAVOR OF SIMPLER MODIFICATION RECOMMENDED IN PARAGRAPH TWO OF THIS CABLE, WHICH WOULD HELP TO OVERCOME CRITICISM OF OLD LANGUAGE FROM OUTSIDE MINISTRY.

11. TO ANNEX, MINISTRY OFFICIALLY PROPOSED FOLLOWING ADDITIONS:

" METABOLIC DISEASES AND ENDOCRINOLOGICAL DISORDERS;  
-- HEREDITARY ( INBORN) ERRORS OF METABOLISM;  
-- THE INFLUENCE OF DRUGS ON METABOLISM;  
-- RESEARCH REGARDING DIFFERENT TECHNIQUES  
AVAILABLE FOR INVESTIGATING METABOLIC DISORDERS.  
" TRANSPLANTATION AND NEPHROLOGY, WITH STRESS ON  
IMMUNOLOGICAL ASPECTS.

" PROBLEMS OF CONSTRUCTING DIFFERENT MODELS FOR ORGANIZATION OF PUBLIC HEALTH SERVICES".  
THEY ALSO PROPOSED BROADENING THE CATEGORY OF REHABILITATION STUDIES, BUT WERE NOT SPECIFIC AS TO LANGUAGE.  
FINALLY, MINISTRY OFFICIALS STATED THEY WOULD MUCH PREFER TO SEE ITEM " G" OF ANNEX ( RICKETSIAL DISEASES) DROPPED, SINCE ALTHOUGH POLAND AT ONE TIME WAS FAMOUS FOR EXPERTISE IN THIS FIELD, THEIR CAPABILITY HAS WANED.  
THEY STRESSED THAT THERE IS NO TYPHUS IN POLAND AND NO POTENTIAL FOR THEORETICAL OR OTHER STUDIES IN THIS AREA.

12. REGARDING COMPARISON OF POLISH TEXTS, MINISTRY OFFICIALS FIRST SAID IT WOULD BE IMPOSSIBLE, ACCORDING TO THE FOREIGN OFFICE, TO CABLE THEIR POLISH TEXT TO THEIR EMBASSY IN WASHINGTON. THEY PROPOSED INSTEAD TO BRING IT WITH THEM TO WASHINGTON. WHEN WE INDICATED POSSIBILITY OF NEED FOR SOME TIME TO COMPARE TRANSLATIONS, MINISTRY OFFICIALS PROMISED TO TRY THE FOREIGN OFFICE AGAIN, AND TO GIVE US COPIES OF POLISH TEXT MARCH 9. WE WILL IMMEDIATELY SEND COPIES DIRECT BY INTERNATIONAL AIR MAIL TO EUR/ CHP, SCI, DHEW/ OIH, AND SECRETARY WEINBERGER' S OFFICE, WITH FOLLOW- UP COPIES BY MONDAY POUCH.

13. ANY VARIATION OF THE OFFICIAL WRITTEN VERSION OF SUGGESTED POLISH CHANGES FROM THE ABOVE WILL BE CABLED.

DAVIES

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